

**Appl. No. 10/034,462**  
**Amdt. dated September 30, 2005**  
**Reply to Office action of July 1, 2005**

### **REMARKS/ARGUMENTS**

Applicants have received the Office Action dated July 1, 2005, in which the Examiner: 1) rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by "On-Chip Monitoring for Non-Intrusive Hardware/Software Observability," by M. E. Shobaki; 2) rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Micka in view of Roy (U.S. Pat. No. 6,321,331); 3) objected to claims 3-15 as being dependent upon a rejected base claim, but otherwise allowable; and 4) allowed claims 16-35. Applicants traverse the claim rejections and respectfully request allowance of all pending claims.

The Shobaki reference used to reject claim 1 is a dissertation that published in 2004. Applicants filing date is December 29, 2001. Thus, while Shobaki may be a printed publication, it is not a document that was published more than a year before Applicants' filing date or before Applicants' date of invention. Accordingly, Shobaki cannot be used as a prior art reference against the claims. For at least this reason, claim is allowable.

The Examiner's rejection of claim 2 is confusing to Applicants. The Office Action states that "claim 2 is rejected...as being unpatentable over Micka et al. in view of...Roy et al." Office Action page 2. The Office Action, however, then explains that Shobaki fails to teach the limitations of claim 2, but that Roy allegedly satisfies the deficiency of Shobaki. The Examiner never mentions Micka in explaining why claim 2 is believed to be unpatentable. Clarification is respectfully requested if the Examiner intends to rely on Micka for the rejection of claim 2.

At any rate, Shobaki cannot be used as prior art against the claims as explained above. Thus, to the extent the Examiner's rejection relies on Shobaki, as appears to be the case, the Examiner's rejection is fatally flawed.


Additionally, while Roy may disclose a timestamp counter, Roy does not teach a timestamp counter as claimed. Specifically, Roy does not teach a timestamp counter that "generates a timestamp count value signal indicating the number of clock cycles since the previous store operation." The Examiner

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admitted that Shobaki fails to disclose this limitation. For at least this additional reason, claim 2 is allowable.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

  
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